



Complete if Known Substitute for form 1449/PTO 10/771,803 **Application Number INFORMATION DISCLOSURE** Filing Date February 4, 2004 STATEMENT BY APPLICANT First Named Inventor Lutz Freitag Art Unit 3771 (Use as many sheets as necessary) T.K. Mitchell Examiner Name Sheet 1 of 4 023189.0101PTUS Attorney Docket Number

		Document Number			Pages, Columns, Lines, Where
Examiner nitials*	Cite No. ¹	Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		US-4,231,365	11/4/1980	Scarberry	
		US-4,449,523	5/22/1984	Szachowicz et al.	
		US-4,825,859	05-02-1989	Lambert, R.	
		US-4,838,255	06-13-1989	Lambert, R.	
		US-4,850,350	07-25-1989	Jackson, I.	
		US-4,905,688		Vicenzi et al.	
		US-4,938,212	7/3/1990	Snook, et al.	
		US-4,967,743		Lambert, R.	
		US-5,000,175	03/19/1991	Pue	
		US-5,022,394	6/11/1991	Chmielinski	
		US-5,024,219	6/18/1991	Dietz	
		US-5,038,771	8/13/1991	Dietz	
		US-5,058,580	10/22/1991		
		US-5,134,995	8/4/1992	Gruenke et al.	
"		US-5,134,996	08/04/1992	Bell	
		US-5,148,802	9/22/1992	Sanders et al.	
		US-5,186,167	02-16-1993	Kolobow, T.	
		US-5,193,533	03-16-1993	Body, et al.	
		US-5,233,979	8/10/1993	Strickland	
		US-5,243,972	9/14/1993	Huang	
		US-5,255,675		Kolobow, T.	
		US-5,271,388		Whitwam et al.	
		US-5,339,809		Beck, Jr. et al.	
		US-5,419,314	5/30/1995	Christopher, K.	
		US-5,438,980	8/8/1995		
		US-5,460,613	10-24-1995	Ulrich, et al.	
		US-5,485,850	1/23/1996	Dietz	
		US-5,513,628		Cole,s et al.	
		US-5,598,840	02-04-1997		
		US-5,669,380	9/23/1997	Garry et al.	
		US-5,715,812		Deighan et al.	
		US-5,715,815	2/10/1998	Lorenzen et al.	
		US-5,740,796	4/21/1998	Skog	
		US-5,791,337	08/11/1998	Coles, et al.	
		US-5,819,723	10/13/1998	Joseph	
		US-5,904,648		Amdt, et al.	
		US-5,975,077	11/2/1999	Hofstetter et al.	
		US-6,039,696	3/21/2000	Bell, Craig J.	
		US-6,152,132	11/28/2000	Psaros	
		US-6,220,244	4/24/2001	McLaughlin	
		US-6,227,200		Crump, et al.	
		US-6,357,438	3/19/2002	Hansen	
		US-6,427,690		McCombs et al.	
		US-6,457,472		Schwartz et al.	
		US-6,520,176		Dubois et al.	
		US-6,520,183	12/12/2002		

Complete if Known Substitute for form 1449/PTO 10/771,803 **Application Number INFORMATION DISCLOSURE** Filing Date February 4, 2004 **STATEMENT BY APPLICANT** First Named Inventor **Lutz Freitag** Art Unit 3771 (Use as many sheets as necessary) Examiner Name T.K. Mitchell 2 Sheet 4 Attorney Docket Number 023189.0101PTUS

· · · · - ·	US-6,575,944	06/10/2003 N	McNary et al	
	US-6,655,382	12/2/2003 H		
	US-6,668,829	02/27/2003 E		· ·
	US-6,705,314	3/16/2004 0		
	US-6,810,876		Berthon-Jones	
	US-6,814,073	11/9/2004 V		
	US-6,840,240		Berthon-Jones et al.	
	US-6,877,511		DeVries et al.	
	US-6,910,480		Berthon-Jones	
	US-6,910,482	8/14/2003 E		
	US-6,913,601		St. Goar et al.	
	US-6,915,803		Berthon-Jones et al.	
	US-6,920,878		Sinderby et al.	
	US-6,932,084	07/03/2003 E		
	US-6,941,950	4/17/2003 V		· · · · · · · · · · · · · · · · · · ·
	US-6,948,497		Zdrojkowski et al.	
	US-6,951,217	8/21/2003 2	Berthon-Jones	
	US-6,997,881	6/30/2005		
	US-7,000,612	4/28/2005 J		
	US-7,011,091	4/10/2003 F		
	US-7,017,574	3/10/2005 E		.
	US-7,044,129		Fruschel et al.	
	US-7,066,173		Banner et al.	
	US-7,077,132		Berthon-Jones	
	US-7,080,646		Viesmann et al.	
	US-7,100,607		Zdrojkowski et al.	
	US-7,121,277	6/27/2002 5		
	US-7,152,598	12/23/2004 N		· · · · · · · · · · · · · · · · · · ·
	US-7,222,623		DeVries et al.	
	US-7,255,103	11/25/2004 E		
	US-7,267,122	11/11/2004 H		
	US-7,270,128		Berthon-Jones et al.	
	US-7,296,573	11/10/2005 E		
	2001/0035185		Christopher, K.	
	2002/0179090		Boussignac, A.	
	2003/0121519	7/3/2003 E		
	2003/0145853	8/7/2003 N		
	2003/0150455	8/14/2003 E		
	2004/0040560		Euliano et al.	
	2004/0221848	11/11/2004 H		
	2004/0231674	11/25/2004 T		
	2004/0237963		Berthon-Jones	
	2005/0247308	11/10/2005 F		
	2004/0255943	12/23/2004 N	Morris et al.	
	2005/0005936	1/13/2005 V		
	2005/0005938		Berthon-Jones et al.	
	2005/0034721	2/17/2005 F		
	2005/0034724	2/17/2005 C		
	2005/0061322	3/24/2005 F		
	2005/0087190	4/28/2005 J		

Complete if Known Substitute for form 1449/PTO 10/771,803 Application Number INFORMATION DISCLOSURE Filing Date February 4, 2004 STATEMENT BY APPLICANT First Named Inventor **Lutz Freitag** Art Unit 3771 (Use as many sheets as necessary) **Examiner Name** T.K. Mitchell 3 023189.0101PTUS Sheet of 4 Attorney Docket Number

2005/0098179	5/12/2005	Burton et al.	
2005/0121033	6/9/2005	Starr et al.	
2006/0005834	1/12/2006	Aylsworth et al.	
2006/0096596	5/11/2006	Occhialini et al.	
2006/0150972	7/13/2006	Mizuta et al.	
2006/0201504	9/14/2006	Singhal et al.	
 2006/0243278	11/2/2006	Hamilton et al.	
60/924,514 (co- pending)	5/18/2007	Wondka et al.	
60/960,370 (co- pending)	9/26/2007	Wondka et al.	
60/960,362 (co- pending)	9/26/2007	Wondka et al.	

		FOREK	N PATENT	DOCUMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁶ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures	7°
		WO-07/142812 (co-pending)	12/13/2007	Freitag	Appear	
		CA-2535450 (co-pending)	2/17/2005	Freitag		
		CN-200480029872 (co-pending)		Freitag		X
		DE-10337138.9 (co-pending)		Freitag		X
		EP 0125424	11/21/1984	van den Bergh		
		EP-1654023 (co-pending)	5/10/2006			X
		IN-317/KOLNP/06 (co-pending)		Freitag		Х
		JP-2006/522883 (co-pending)		Freitag		X

	·
Examiner	Date
Signature	Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Better Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. *Paplicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²		
		International Search Report for WO 2005/014091 (Application no. PCT/DE04/1646), dated January 17, 2005			
		Christopher, et al., "Transtracheal Oxygen Therapy for Refractory Hypoxemia," JAMA, 1986, Vol. 256, No. 4, pp. 494-97.			
		Fink, J.B., "Helium-Oxygen: An Old Therapy Creates New Interest," <u>J Resp Care</u> Pract now RT for Decision Makers in Respiratory Care, April 1999, pp. 71-76.			

Substitute for form 1449/PTO				Complete if Known		
		-		Application Number	10/771,803	
IN.	IFORMATIO	N DI	SCLOSURE	Filing Date	February 4, 2004	
S	STATEMENT BY APPLICANT			First Named Inventor	Lutz Freitag	
_				Art Unit	3771	
	(Use as many sheets as necessary)			Examiner Name	T.K. Mitchell	
Sheet	4	of	4	Attorney Docket Number	023189.0101PTUS	

Haenel, et al., "Efficacy of Selective Intrabronchial Air Insufflation in Acute Lobar Colapse," Am J Surg, 1992, Vol. 164, No. 5, pp. 501-05.	
 "AARC Clinical Practice Guideline: Oxygen Therapy in the Home or Extended Care Facility," Respir Care, 1992, Vol. 37, No. 8, pp. 918-22.	
 MacIntyre, N. R., "Long-Term Oxygen Therapy: Conference Summary," Resp Care, 2000, Vol. 45, No. 2, pp. 237-45.	
 VHA/DOD Clinical Practice Guideline, "Management of Chronic Obstructive Pulmonary Disease," Ver. 1.1a, Aug. 1999, Updated Nov. 1999	
Blanch, L. L., "Clinical Studies of Tracheal Gas Insufflation," Respir Care, 2001, Vol. 45, No. 2, pp. 158-66.	
GREGORETTI, et al., "Transtracheal Open Ventilation in Acute Respiratory Failure Secondary to Severe Chronic Obstructive Pulmonary Disease Exacerbation," Am J Respir Crit Care Med, 2006, Vol. 173, No. 8, pp. 877-81.	
CHRISTOPHER, et al., "Preliminary Observations of Transtracheal Augmented Ventilation for Chronic Severe Respiratory Disease," Respir Care, 2001, Vol. 46, No. 1, pp. 15-25.	
CHANG, et al., "Reduced Inspiratory Muscle endurance Following Successful Weaning From Prolonged Mechanical Ventilation," Chest, 2005, Vol. 128, No. 2, pp. 553-59.	
GAUGHAN, et al., "A Comparison in a Lung Model of Low- and High-Flow Regulators for Transtracheal Jet Ventilation," <u>Anesthesiology</u> , 1992, Vol. 77, No. 1, pp. 189-99.	
MENON, et al., "Tracheal Perforation. A Complication Associated with Transtracheal Oxygen Therapy," Chest, 1993, Vol. 104, No. 2, pp. 636-37.	
ROTHE, et al., "Near Fatal Complication of Transtracheal Oxygen Therapy with the SCOOP(R) System," Pneumologie, 1996, Vol. 50, No. 10, pp. 700-02. (English Abstract provided)	

Examiner	Date
Signature	Considered

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.